



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RW(HARBORVIEW PROPERTIES,
INC.)87-00732-1

Comment Period: June 5, 2002 to June 20, 2002

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A MODIFICATION TO THIS PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: *Harborview Properties Development Company*
112 East 25th Street
Baltimore, Maryland 21218

LOCATION: *Patapsco River, at Harborview, Baltimore City, Maryland*

WORK: Harborview Properties has requested Department of the Army authorization to modify its permit, referenced above, which was issued on September 12, 1988 and which has a current expiration date of December 31, 2005. This permit authorized the following work: the widening of two existing piers and the construction of 51 residences on each, not to exceed a height of 58 feet above the mean low water elevation; the construction of a marina, a floating platform, and a floating breakwater; construction five of open-pile platforms totaling 13,630 square feet; and a travel lift.

The permittee has requested that the permit be modified to authorize the demolition of the piers that were to support the residences and, in their place, construct two new piers. These piers are proposed to be 79 feet 8 inches in width, rather than the 70 feet in width authorized previously. Additionally, the proposed townhouses (not to exceed 102 units) to be built on the pier are proposed to overhang the piers by 6 feet above the 20 foot elevation. The parking area for the units is proposed on the ground level. The permittee also proposes to demolish existing pile-supported relieving platforms and to construct 770 linear feet of bulkheading to extend a maximum of 100 feet channelward of the approximate mean high water shoreline. Approximately 43,300 cubic yards of fill material is to be placed landward of the bulkhead. The total amount of area to be filled that is currently beneath existing relieving platforms and piers is 19,726.3 square feet, and the total amount of area proposed to be filled that is currently uncovered, open water area that is not beneath existing relieving platforms or piers is 9,026.1 square feet. Townhouses and a 560 linear feet public promenade are to be constructed on these areas of proposed fill. Also proposed is the construction of approximately 230 linear feet of stone revetment to extend no more than 31 feet channelward of the proposed bulkhead and the construction of approximately 108 linear feet of promenade ramp. The purpose of the project is to provide a foundation for a townhouse development and for a public waterfront promenade.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jon Romeo at (410) 962-6079.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999 include EFH for a number of species in various life stages. A review of the appropriate literature indicates that

this waterway has EFH listed for juvenile and adult windowpane flounder (*Scopthalmus aquosus*), summer flounder (*Paralichthys dentatus*), bluefish (*Pomatomus saxatilis*), and egg, larva, juvenile, and adult life stages of king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), and red drum (*Sciaenops ocellatus*). These are managed species under the MSFCMA. A preliminary assessment indicates that the proposed project may have an adverse affect on EFH based on the filling of approximately 28,753 square feet of tidal waters. The aforementioned species are not estuarine resident species but could use the project area as a foraging area and as a nursery area, on a seasonal basis, primarily during the summer. The project has the potential to adversely affect the managed species and/or their EFH quality and/or quantity, and their prey species. No EFH measures have been developed for this project. As the evaluation of this project continues, EFH measures may be developed.

The decision whether to issue a modification to the permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.